

Senate Bill 396

By: Senators Hamrick of the 30th, Smith of the 52nd and Chance of the 16th

AS PASSED

AN ACT

To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to remove all functions of the commissioner of administrative services and the Department of Administrative Services and transfer such functions; to transfer administrative and salary paying and travel expense reimbursement functions for superior court judges and court reporters to The Council of Superior Court Judges of Georgia; to transfer administrative and salary paying functions for district attorneys and their staff to the Prosecuting Attorneys' Council of the State of Georgia; to remove the commissioner of administrative services from the Georgia Courts Automation Commission; to repeal provisions relating to alternate hiring procedure of secretaries; to provide for members of the Prosecuting Attorneys' Council of the State of Georgia to be removed upon the vote of the members of such council; to repeal provisions that prohibit the Prosecuting Attorneys' Council of the State of Georgia from employing certain retired personnel; to expand the powers and duties of attorneys and investigators employed by the Prosecuting Attorneys' Council of the State of Georgia; to provide that such investigators shall meet the requirements of Chapter 8 of Title 35; to amend Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions from Code Sections 16-11-126 through 16-11-128, so as to provide that investigators employed by the Prosecuting Attorneys' Council of the State of Georgia and attorneys and investigators who are retired from the Prosecuting Attorneys' Council of the State of Georgia shall be exempt from certain state weapons requirements; to amend Article 2 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to the 'Uniform Reciprocal Enforcement of Support Act,' so as to correct cross-references; to amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, so as to provide that requests for new, expanded, relocated, or renovated rental real estate space be reviewed by the State Properties Commission in lieu of the Department of Administrative Services; to revise provisions relating to employee's health insurance; to amend Code Section 50-5B-2 of the Official Code of Georgia Annotated, relating to administrative units, directors, and employees of the State Accounting Office, so as to provide that The Council

of Superior Court Judges of Georgia and the Prosecuting Attorneys' Council of the State of Georgia shall be separate units within the State Accounting Office; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising Code Section 15-5-60, relating to contracts with state agencies for administrative functions, services, and equipment, as follows:

"15-5-60.

The Council of Superior Court Judges of Georgia shall be authorized to provide for or contract for administrative functions, services, and equipment necessary for the fulfillment of the responsibilities of the superior courts with funds appropriated or otherwise available for the operation of the superior courts of the state."

SECTION 2.

Said title is further amended by revising subsection (a) of Code Section 15-5-81, relating to the advisory council to the Georgia Courts Automation Commission, as follows:

"(a) There shall be an advisory council to the Georgia Courts Automation Commission. The advisory council shall consist of: the director of the Georgia Bureau of Investigation or the director's designee, the commissioner of corrections or the commissioner's designee, the commissioner of public safety or the commissioner's designee, the chairman of the State Board of Pardons and Paroles or the chairman's designee, the director of the Administrative Office of the Courts or the director's designee, the director of the Criminal Justice Coordinating Council or the director's designee, the director of the Children and Youth Coordinating Council or the director's designee, and the executive director of the Georgia Technology Authority or the executive director's designee."

SECTION 3.

Said title is further amended by revising subsections (a) and (b) of Code Section 15-6-29, relating to the salary of superior court judges, as follows:

"(a) The annual salary of the judges of the superior courts shall be as provided in Code Section 45-7-4. The salary shall be paid by The Council of Superior Court Judges of Georgia in 12 equal monthly installments.

(b) The salary so fixed shall be the total compensation to be paid by the state to the superior court judges and shall be in lieu of any and all other amounts to be paid from The Council of Superior Court Judges of Georgia, except as provided in Code Sections 15-6-30 and 15-6-32."

SECTION 4.

Said title is further amended by revising subsection (d) of Code Section 15-6-30, relating to travel expenses of superior court judges, as follows:

"(d) The several judges of the superior courts shall, once a month, submit a detailed and certified statement of the items of expense, as authorized by this Code section, to the state auditor; and the state auditor is directed to audit each account and approve same for payment, if found correct, and to transmit the total amount to The Council of Superior Court Judges of Georgia for payment from the funds available for the operation of the superior courts of this state. Senior judges of the superior courts shall, once a month, submit a detailed and certified statement of the items of expense, as authorized by Code Sections 47-8-64 and 47-23-100, to the state auditor; and the state auditor is directed to audit each account and approve same for payment, if found correct, and to transmit the total amount to The Council of Superior Court Judges of Georgia for payment from the funds available for the operation of the superior courts of this state."

SECTION 5.

Said title is further amended by revising Code Section 15-6-31, relating to contingent expense allowance, which is reserved, as follows:

"15-6-31.

Effective July 1, 2008, the ministerial functions of the commissioner of administrative services or of the Department of Administrative Services relating to the payment of salaries, benefits, and expenses of superior court judges, and other state paid personnel authorized by this chapter shall be transferred to and performed by The Council of Superior Court Judges of Georgia."

SECTION 6.

Said title is further amended by revising subsections (a) and (d) of Code Section 15-14-6, relating to contingent expenses and travel expenses of court reporters, as follows:

"(a) The Council of Superior Court Judges of Georgia is authorized and directed to pay from the state treasury the sums specified in subsection (b) of this Code section as

contingent expense and travel allowance to each duly appointed reporter for the superior courts in all judicial circuits of this state, such sum being in addition to the compensation of the superior court reporters provided by law."

"(d) Annually during the month of January the judge or chief judge of each judicial circuit shall certify to The Council of Superior Court Judges of Georgia the names and addresses of all persons duly appointed as reporters for the superior courts in the judicial circuit and shall thereafter notify the council of the removal of such persons from office or the appointment of additional persons as superior court reporters, together with the effective date of such removal or appointment."

SECTION 7.

Said title is further amended by revising subparagraph (a)(1)(B) of Code Section 15-18-14, relating to the appointment, qualifications, compensation, personnel actions, and transfers and promotions of prosecuting attorneys, as follows:

"(B) Subject to the availability of funding and at the option of the Department of Human Resources, at least one assistant district attorney to perform duties described specifically under Code Sections 19-11-23 and 19-11-53 and generally under Article 1 of Chapter 11 of Title 19, the 'Child Support Recovery Act,' Article 2 of Chapter 11 of Title 19, the 'Uniform Reciprocal Enforcement of Support Act,' and Article 3 of Chapter 11 of Title 19, the 'Uniform Interstate Family Support Act.' The district attorney retains the authority to appoint one or more assistant district attorneys, who shall be county employees, to perform the aforementioned statutory duties, so long as such appointments are pursuant to a contract for such services with the Department of Human Resources. Once the election to make this position a state position is made, under this statutory provision, it shall be irrevocable. Contractual funds shall be paid by the Department of Human Resources to the Prosecuting Attorneys' Council of the State of Georgia in accordance with the compensation provisions of this Code section, or at the election of the appointed attorney, to the appointed attorney's judicial circuit, in accordance with the compensation provisions of that judicial circuit; and"

SECTION 8.

Said title is further amended by revising subsection (d) of Code Section 15-18-14.2, relating to victim assistance coordinator, as follows:

"(d) Not later than June 1 of each year, the Prosecuting Attorneys' Council of the State of Georgia shall furnish to each district attorney a budget for the judicial circuit based on the

amount appropriated by the General Assembly or otherwise available for personnel and operations of victim assistance programs authorized by this Code section."

SECTION 9.

Said title is further amended by revising Code Section 15-18-18, relating to alternate hiring procedure of secretaries, as follows:

"15-18-18.

Reserved."

SECTION 10.

Said title is further amended by revising paragraph (5) of subsection (e) of Code Section 15-18-19, relating to state paid personnel, powers and policies relating thereto, and salary schedules, as follows:

"(5) The compensation of state paid personnel appointed pursuant to this article shall be paid in equal installments by the Prosecuting Attorneys' Council of the State of Georgia as provided by this subsection from funds appropriated for such purpose. The council may authorize employees compensated pursuant to this Code section to participate in voluntary salary deductions as provided by Article 3 of Chapter 7 of Title 45."

SECTION 11.

Said title is further amended by revising paragraph (2) of subsection (c) of Code Section 15-18-40, relating to the Prosecuting Attorneys' Council of the State of Georgia purpose and function, as follows:

"(2) From such funds as may be appropriated or otherwise available for the operation of prosecuting attorneys, may provide such administrative functions, services, supplies, equipment, or operating expenses as may be necessary for the fulfillment of the duties and responsibilities of such prosecuting attorneys and may contract with any other department, bureau, agency, commission, institution, or authority of this state or any other entity for such purpose."

SECTION 12.

Said title is further amended by adding a new subsection to Code Section 15-18-40, relating to the Prosecuting Attorneys' Council of the State of Georgia purpose and function, to read as follows:

"(d) Effective July 1, 2008, the ministerial functions of the commissioner of administrative services or of the Department of Administrative Services relating to the payment of salaries, benefits, and expenses for district attorneys and district attorney personnel appointed pursuant to Article 1 of this chapter or solicitors-general shall be transferred to and performed by the council."

SECTION 13.

Said title is further amended by adding a new subsection to Code Section 15-18-41, relating to the composition of the Prosecuting Attorneys' Council of the State of Georgia, to read as follows:

"(e) The council may, by two-thirds' vote of the members, remove any member of the council for failure to attend meetings, misconduct, incompetency, or neglect of duty."

SECTION 14.

Said title is further amended by revising subsection (d) of Code Section 15-18-44, relating to powers and duties of the Prosecuting Attorneys' Council of the State of Georgia, as follows:

SECTION 15.

Said title is further amended by adding a new Code section to read as follows:

"15-18-47.

Attorneys and investigators employed by the council shall meet the same qualifications as those provided by Code Section 15-18-21 for attorneys and investigators employed by district attorneys. Such attorneys and investigators shall take and subscribe to an oath similar to the oath required by district attorneys. When assisting a district attorney, solicitor-general, or the Attorney General, such attorneys and investigators shall have the same authority and power as an attorney or investigator employed by such district attorney, solicitor-general, or the Attorney General. Investigators employed by the council and authorized by the council to carry weapons or to exercise any of the powers of a peace officer of this state shall meet the requirements of Chapter 8 of Title 35."

SECTION 16.

Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions from Code Sections 16-11-126 through 16-11-128, is amended by revising paragraph (5) of subsection (a) as follows:

"(5) District attorneys, investigators employed by and assigned to a district attorney's office, assistant district attorneys, attorneys or investigators employed by the Prosecuting Attorneys' Council of the State of Georgia, and any retired district attorney, assistant district attorney, district attorneys investigator, or attorney or investigator retired from the Prosecuting Attorneys' Council of the State of Georgia, if such employee is retired in good standing and is receiving benefits under Title 47 or is retired in good standing and receiving benefits from a county or municipal retirement system;"

SECTION 17.

Article 2 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, relating to the 'Uniform Reciprocal Enforcement of Support Act,' is amended by revising paragraph (3) of Code Section 19-11-58, relating to the Department of Human Resources designation as the state information agency and duties, as follows:

"(3) To approve as to form all orders for payment of the district attorneys' fees and forward same to the Prosecuting Attorneys' Council of the State of Georgia for payment; and"

SECTION 18.

Said article is further amended by revising Code Section 19-11-59, relating to payment of district attorney's fee, as follows:

"19-11-59.

The fee of the district attorney arising under this article shall be paid by the Prosecuting Attorneys' Council of the State of Georgia upon receipt of the order for the payment of such fees that has been approved by the state information agency. Payment shall be made from funds appropriated for the operation of the district attorneys."

SECTION 19.

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended by revising subsection (e) of Code Section 45-12-78, relating to heads of budget units to submit annual estimates, preparation and submission of budget estimates of legislative and judicial agencies, and review of budget estimates by the Office of Planning and Budget, as follows:

"(e) To effect the goal of decentralization, prior to September 1 of each year, the Office of Planning and Budget shall send all requests for new, expanded, relocated, or renovated rental real estate space to the State Properties Commission. The State Properties

Commission shall return such evaluation to the Office of Planning and Budget prior to the Governor's submission of the budget to the General Assembly as provided in Code Section 45-12-79."

SECTION 20.

Said title is further amended by revising subsection (a) of Code Section 45-18-14, relating to deductions from compensation and benefit payments of share of cost of coverage under plan of employees, payment of contributions to health insurance fund by departments, boards, and agencies of state, and coverage of employee appealing discharge, as follows:

"(a) During any period in which an employee is covered under this article prior to the date of his or her retirement, there shall be withheld from each salary payment or other compensation of such employee, as his or her share of the cost of coverage under this plan, such portion of the premium or subscription charges under the terms of any contract or contracts issued in accordance with this article as may be established by the board. During any month in which benefits are being paid by the Employees' Retirement System of Georgia to an individual so covered under this program, contributions in the amounts prescribed by the board shall be deducted from such payments with the consent of the recipient. The various departments, boards, and agencies of the executive and judicial branches of state government shall contribute to the health insurance fund such portions of the cost of such benefits as may be established by the board and the Governor as funds become available in each department, board, and agency, in addition to an amount to be established by the board to defray the cost of administration and the state's portion of the cost of benefits payable for annuitants. The legislative fiscal officer shall contribute to the health insurance fund as an employer payment for and on behalf of all members of the General Assembly and its administrative and clerical personnel. The Prosecuting Attorneys' Council of the State of Georgia shall contribute to the fund as an employer payment for and on behalf of district attorneys, assistant district attorneys, and other paid state personnel appointed pursuant to Article 1 of Chapter 18 of Title 15. The Council of Superior Court Judges of Georgia shall contribute to the fund as an employer payment for and on behalf of secretaries and law clerks of the superior courts of the state. The amount of such contributions shall be such portions of the costs of such benefits as may be established by the board; and, in addition thereto, an amount to be established by the board shall be contributed to defray the costs of administration. The board shall determine whether such employer portion shall be determined based upon a percentage of the total outlay for personal services or determined on an amount per employee electing coverage

under the plan based on the coverage elected, in accordance with the appropriation of funds."

SECTION 21.

Code Section 50-5B-2 of the Official Code of Georgia Annotated, relating to administrative units, directors, and employees of the State Accounting Office, is amended by revising subsection (a) as follows:

"(a) The state accounting officer shall establish such units within the State Accounting Office as he or she deems proper for its administration, including The Council of Superior Court Judges of Georgia and the Prosecuting Attorneys' Council of the State of Georgia as separate units with distinct accounting functions, and shall designate persons to be directors and assistant directors of such units to exercise such authority as he or she may delegate to them in writing."

SECTION 22.

All laws and parts of laws in conflict with this Act are repealed.